

CV 07 2291UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK-----X
(S.D.)
MARTIN A. LEHMAN,

COMPLAINT

Plaintiff,

Plaintiff Demands Trial by Jury

-against-

FOX CABLE NETWORKS INC., FOX REALITY .COM,
TERMITE ART PRODUCTIONS DOCUMENTARIES INC.,
ERIC J. NELSON and LIONS GATE ENTERTAINMENT INC.Defendants.
-----X

Plaintiff, Martin A. Lehman, Pro Se., for his complaint respectfully alleges:

NATURE OF ACTION

1. This action is for monetary damages and other relief to remedy the willful malicious and reckless disregard for truth in portraying the plaintiff as a bogus doctor grouped with convicted criminal individuals and stating he engaged in fraudulent acts in rehearsals and falsely stated that the rehearsal caused him to stop practice. There was the further willful and malicious disregard for truth in showing a portion of a further follow up visit as the totality of the physical examination that was ever done on this patient. Visual film was shown in which the plaintiff's body was seen and his voice heard.

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U.S. DISTRICT COURT E.D.N.Y.

★ JUN 07 2007 ★

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**BIANCO, J.
WALL, M.J.**

2. This event occurred on or about Sunday, May 20 2007 in the Florida and other markets in a program "Busted on the Job II."

VENUE

3. Venue is proper in the Eastern District of New York pursuant to 28 U.S.C. 1332 with diversity of citizenship. All defendants reside or have their place of business in the State of California and the monetary damage is substantial in the range of millions.

PARTIES

4. Plaintiff - Martin A. Lehman, a United States Citizen and a resident of Nassau County, New York, residing at:

308 Elm Street
West Hempstead, New York 11552

5. Defendant No. 1 - Fox Cable Networks Inc., a corporation residing in California at:

110000 Santa Monica Blvd.
Los Angeles, California 90067-7002

6. DEFENDANT No. 2- Fox Reality. Com a wholley- owned business enterpriose

Of Fox Cable Networks Inc. and resides in California at:

110000 Santa Monica Blvd.
Los Angeles California 90067-7002

7. Defendant No. 3 - Termite Art Productions Documentaries, Inc. a corporation in California and residing at:

11864 Ventura Blvd. #204,
Studio City, California 91604-2649

8. Defendant No. 4 - Eric J. Nelson upon information and belief President of Termite Art Productions Documentaries, Inc. a corporation in California whose Business resides at:

11864 Ventura Blvd. #204
Studio City, California 91604-2649

9. Defendant No. 5 - Lions Gate Entertainment, Inc. a corporation upon information and belief acquired Termite Art Production Documentaries on or about 1998 and which resides in California at:

2700 Colorado Avenue
Santa Monica, California 90404-3553

STATEMENT OF CLAIM

10. On May 21, 1997, the plaintiff, an orthopedic surgeon, was arrested and charged with insurance fraud.

11. At all times through the criminal trial, the plaintiff plead "not guilty".

12. On March 3, 1999, a jury acquitted the plaintiff on each and every charge.

13. On May 20, 2007, Fox Reality.Com a wholly - owned subsidiary of Fox Cable Networks Inc broadcast to its market upon information and belief across the United States of America a Program "Busted on the Job II" and upon information and belief with intent on repetition in which the plaintiff is termed a "bogus doctor" and grouped with tapes showing publicly knowing individuals convicted of criminal acts.

14. The grouping of the plaintiff with tapes with two individuals in which the public record shows criminal convictions and further after showing these tapes state that "While on the subject of bogus doctors" present a tape of the plaintiff is conveying to the public that the plaintiff is a convicted criminal and not a real doctor.

15. The public record, which the defendants willfully and maliciously ignored would have shown not only that the plaintiff was innocent of all charges but that there was never any restriction on his license, never on any restriction on the practice of medicine in his specialty. This is the public record not only of any State or other licensing authority but any professional society or hospital. The plaintiff has and is in good standing as a Diplomate of the American Board of Orthopedic Surgeons, American academy of Orthopedic Surgeon and the American College of Surgeons.

16. The Fox Realty broadcast only part of a follow up visit and stated "It was shortest medical examination in the history of health care." The narrator also stated "Get out your stopwatch." "Did you blink?" this conveyed to the public that this was the totality of the examination. Fox Reality and all the defendants hold themselves out to the public as being truthful and honest and being diligent. There was hidden from the public that the initial examination of this patient-operative showed a history being taken, place in an examination gown, tested for muscle strength by walking on tip toes and heel placed through range of motion and neurologic tests, tested on an examination table, tested on local areas of pain, had x-rays take, discussed her problem and a course of treatment including physical therapy and muscle relaxants.

17. Fox Reality, while showing a tape of the plaintiff narrated "Don't worry, this rehearsal cost him his practice." The "rehearsal" which portrays the plaintiff as participating in a fraudulent act is a willful and deliberate figment of imagination by the producers and broadcasters. I never participated or was in any way part of a "rehearsal" and in all the previous criminal and civil actions involving the plaintiff "a rehearsal" by the plaintiff was never suggested or claimed in any way.

18. Having fabricating that the plaintiff was involved in a rehearsal, the libel and slander is then compounded with the statement "cost him his practice." There was never any restriction on my practice and today I am fully licensed to practice. Indeed, I continued to practice for three months after the arrest. I voluntarily chose to voluntarily retire.

18. Fox Reality invade my privacy in showing the tape in that the sealed was in 1998 Sealed by New York law as grand jury evidence and subsequent to my acquittal By New York State law in violation New York State Criminal Procedure Law Sec. 190.25(4).

FIRST CAUSE OF ACTION

19. Plaintiff repeats and re-alleges each and every allegation in paragraphs 10 through 18 as if fully set forth herein.

20. Plaintiff was subjected to libel per se and slander per se when labeled a bogus doctor And groups with convicted criminals in violation of the common law of torts.

SECOND CAUSE OF ACTION

21. Plaintiff repeats and re-alleges each and every allegation in paragraphs 10 through 18

As if fully set forth herein.

22. Plaintiff was subjected to libel per se and slander per se when a portion of a follow up visit was shown as being the shortest medical examination in history and portrayed as that being the totality of the examination of the undercover operative when the surveillance tapes which the Nassau County District Attorney's possessed and supplied to the producer of the libelous and slanderous program had In their possession the tape of the first visit which showed an extensive examination in addition to a history taken, x-rays and a course of treatment. This was shown as a cause the plaintiff was "busted". This malicious presentation not to portray the true initial examination but to choose a follow up examination and using words as "Get out your stop watch." and "Don't blink." was for the purpose of libel and slander in violation of the common law of torts.

THIRD CAUSE OF ACTION

23. Plaintiff repeats and re-alleges each and every allegation in paragraphs 10 through 18 as if fully set herein.

24. Plaintiff was subjected to libel per se and slander per se when the broadcast invented a nonexistent rehearsal the plaintiff was involved and then falsely and maliciously stated that this "cost him his practice." This is in violation of the common law of torts.

FOURTH CAUSE OF ACTION

25. Plaintiff repeats and re-alleges each and every allegation in paragraphs 10 through 18

As is fully set herein.

26. Fox Reality broadcasted sealed tapes entered into evidence in a grand jury proceeding and the sealed under New York State law following the plaintiff's acquittal. This is a criminal violation of privacy in violation of New York State Criminal Procedure law Sec.

190.25(4).

PRAYER FOR RELIEF

27. Fox Reality claims it had over 17 million subscribers in May 24, 2005 and expected many millions more. At the rate of one dollar per subscriber (Exhibit A) and at least an exposure to five millions viewers judgment is respectfully requested:

A) Defendant Fox Cable Networks Inc.

One million dollars compensation

Two million dollars punitive damages

B) Defendant Fox Reality.Com

One million dollars compensation

Two million dollars punitive damages

C) Defendant Termite Art Productions Documentaries Inc.

One million dollars compensation

Two million dollars punitive damages

D) Defendant Eric J. Nelson

One million dollars compensation

Two million dollars punitive damages

E) Defendant Lion Gate Entertainment Inc.

One million dollars compensation

Two million dollars punitive damages

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "martin a. lehman".

Martin A. Lehman, pro se
308 Elm Street
West Hempstead, New York 11552
(516) 486-6752

Dated: June 7, 2007
West Hempstead, New York 11552



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NOW The Academy
 12:00E 09:00P LAPD: Life on the Beat
 12:30E 09:30P Reality Remix
 01:00E 10:00P The Call

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FREQUENTLY ASKED QUESTIONS

What is Fox Reality?

Fox Reality is the ultimate destination for unscripted TV, with more of what you love about your reality TV favorites. We're not just your favorite shows - we've got behind-the-scenes footage, insight into reality's wildest moments from the people who were there, and international favorites never before seen by U.S. audiences.

What type of programming does Fox Reality air?

Fox Reality is all reality, all the time. We air major network favorites like "Joe Millionaire," "The Swan," "Temptation Island," and "Last Comic Standing" - but with outtakes, interviews, and other exclusive extras that make the Fox Reality experience completely unique. We've also got international hits too steamy for American TV, like "The Villa" and "Temptation Island - Australia." And, in the very near future, Fox Reality Originals will delve even deeper into the world of reality to give you more of what you want.

Is Fox Reality just reality programs that have aired on FOX or reality programs produced by 20th Century Fox?

Not at all. Fox Reality has programs like "Last Comic Standing," "Meet My Folks," and "The Family," which have enjoyed successful runs on other major broadcast networks. Fox Reality searches out the best in reality TV, wherever it comes from - across the TV universe and around the world!

When did Fox Reality launch?

Fox Reality launched on May 24, 2005 to over 17 million subscribers, making it one of the most successful channel launches in history - and, with commitments for over 20 million subscribers in our first year alone, you'll be hearing more and more about us.

Can I get Fox Reality through my cable system or satellite provider?

Fox Reality is rolling out on cable systems across the country, including systems for Cox, Adelphia, Insight, and Cable One. To find out if your cable provider is carrying Fox Reality call 1.877.859.REAL. If your cable company doesn't currently offer Fox Reality, let them know how much you want to see Fox Reality on your channel lineup. Fox Reality is also currently carried as part of DIRECTV's Total Choice package and DISH Network's America's Top 180 package.

My newspaper doesn't carry program listings for Fox Reality. Where can I find programming information?

You can visit www.foxreality.com for complete program schedules, as well as episode descriptions, bulletin boards, downloads, and lots of ways to interact with other reality fans.

How can I contact Fox Reality?

Feel free to tell us what you think, we're ready to listen.
feedback@foxreality.com

Who owns Fox Reality?

Fox Reality is a wholly-owned business enterprise of Fox Cable Networks.